

STORAGE NAME: h945.ep

DATE: January 21, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 945

RELATING TO: Environmental Equity

SPONSOR(S): Representative Eggelletion

COMPANION BILL(S): SB 1516 (s) by Senator Turner

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ENVIRONMENTAL PROTECTION
 - (2) COMMUNITY AFFAIRS
 - (3) GOVERNMENTAL OPERATIONS
 - (4) GENERAL GOVERNMENT APPROPRIATIONS
 - (5)
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I. SUMMARY:

The bill creates the Center for Environmental Equity and Justice (CEEJ) with it's charge being to facilitate research, develop policies, engage in education, training, and community outreach with respect to environmental justice and equity issues.

Requires each state agency to include an environmental justice element in its agency functional plan.

Requires the Department of Health and each county health department to establish a registry and tracking system to provide data to the CEEJ regarding instances of adverse or negative health effects among children and adults, and birth defects in newborn children, which may have occurred as the result of exposure to environmental hazards within the state.

Requires specified additional information to be included on certificates of death for the purpose of providing data to the Center.

Requires state agencies to provide notice of certain proposed agency action which affects certain populations, by specified media.

This act shall take effect upon becoming law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The term "environmental equity" relates to the relative burden borne by the low-income and racial minority communities in the siting and enforcement of locally undesirable land uses. The concept being that all persons should be treated equally under environmental laws and that environmental policies should be enforced in an equitable manner without discrimination due to race, ethnicity, culture, or economic status. President Clinton issued an executive order in 1994 committing the federal government to the principle of environmental justice. The intent of this federal action was to address environmental justice in minority and low-income populations; foster nondiscrimination in federal programs that substantially affect human health or the environment; and give minority and low-income communities more opportunities for public participation and access to public information regarding health and the environment.

In 1994 Florida enacted Chapter 94-219, Laws of Florida, which created The Environmental Equity and Justice Commission (EEJC) to examine and determine the possible and cumulative disproportionate concentration of environmental hazards experienced by people of color and low-income communities. The seventeen-member Commission was appointed by the Governor, and represented a wide variety of interests, including civil rights, environmental, labor, government, industry, university, and health. They were directed to conduct scientific analyses as to whether low-income and minority communities are more at risk from environmental hazards than the general population. Upon conclusion of the study the Commission was to present its findings to the Speaker of the House and the President of the Senate and prepare model legislation, if necessary, to address the needs identified in the report.

The Commission was originally organized into four subcommittees: Health Effects and Risks; Enforcement and Evaluation; Local Government Site Placement; Rules and Non-rules Policies of the DEP, plus the later addition of a Case Study Subcommittee. The final report of the Commission issued in October of 1996 was divided into three sections: scientific analysis of environmental hazards; demographic analysis and case studies; and testimony collected at public hearings.

The following is a summary of the Commission's legislative recommendations:

- Appropriate funds to an established Center for Environmental Equity and Justice.
- Implement effective means of communicating between government agencies and affected communities.
- Develop criteria for public notice of violations or enforcement actions by the DEP.
- Create effective means to notify tenants regarding proposed projects or enforcement actions by local governments.
- Adopt a criteria that defines "environmentally overburdened neighborhoods."

- Consider environmental equity and justice issues in land use planning and zoning decisions by local governments.
- Fines collected by DEP should be used to address the problems of affected communities directly.
- Maintain an active clearinghouse/database.
- Fund and require implementation of studies and analyses that thoroughly examine the health effects from exposure to environmental pollution.
- Adjustment of environmental protection programs by the state and local governments so that they are more responsive to affected citizens.
- Integrate an environmental justice element into the functional plan of every state agency.

Although no legislation has been adopted in regard to these recommendations, the Legislature funded the Florida Birth Defects Registry during the 1997 Session, and the Department of Health has incorporated an environmental justice element into their 1997 Agency Strategic Plan.

B. EFFECT OF PROPOSED CHANGES:

The bill would establish a Center for Environmental Equity and Justice (Center). The purpose of the Center would be to develop policies, conduct and facilitate research, as well as provide education, training and community outreach in regard to environmental equity issues. The Center is to be located at an historically black university and would sponsor students to serve as interns at the epidemiology branch of the Department of Health.

The Department of Health as well as each county health department would be required to establish a registry and tracking system to monitor and report to the Center, for research purposes, instances of adverse or negative health effects and instances of birth defects in newborn children which may have occurred as a result of exposure to environmental hazards within the state.

The bill would require that the death certificate be revised to include; length of time an individual was employed at the occupation listed, length of time an individual resided at the address listed, and the length of time the individual was a Florida resident.

Additionally, all state agencies would be required to include an environmental justice element in their agency functional plan, and to provide notice of certain proposed agency action via specified media.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill would require that a Center for Environmental Equity and Justice be established at an historically black college or university. The responsibilities of the Center would be to conduct and facilitate research, develop policies, and provide education, training and community outreach with respect to environmental equity and justice issues. The Center would also serve as a sponsor for interns placed at the Department of Health's epidemiology branch.

The bill requires the Department of Health and each county health department to establish a registry and tracking system for the purpose of monitoring instances of adverse or negative health effects as a result of exposure to environmental hazards, plus revision of the death certificate to aid in the compilation of data for the Center.

All state agencies would be required to incorporate an environmental justice element into their agency functional plan. State agencies would also be required to provide notice of proposed agency action to affected populations by ethnic newspapers, local community bulletins and public service announcements.

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

b. Does the bill require or authorize an increase in any fees?

No

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No

e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates s. 760.854, F.S.

Creates ss. (1)(d), s. 382.008, F.S.

Creates ss. (4), s. 120.525, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Creates s.760.854, F.S. which would create, at an historically black college or university, a Center for Environmental Equity and Justice (Center). The purpose of the Center would be to develop policies, conduct and facilitate research, as well as provide education, training and community outreach in regard to environmental equity issues. The Center would also sponsor students to serve as interns at the epidemiology branch of the Department of Health.

Section 2: Requires all state agencies to include an environmental justice element in their agency functional plan.

Section 3: Requires the Department of Health as well as each county health department to establish a registry and tracking system to monitor and report to the Center for research purposes, instances of adverse or negative health effects and instances of birth defects in newborn children which may have occurred as a result of exposure to environmental hazards within the state.

Section 4: Amends s. 382.008, F.S., to require the Department of Health to revise the death certificate to include information on, 1) the length of time the individual was employed at the occupation listed, 2) length of time the individual resided at address listed, 3) length of time the individual was a resident of Florida, to aid in compilation of data used in the conduct of research by the Center.

Section 5: Amends s. 120.525, F.S., to require that notices of state agency meetings, hearings and workshops on relevant topics be provided in ethnic newspapers, local community bulletins, and televised public service announcements targeting the population affected by the proposed agency action.

Section 6: Provides that the act shall take effect upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

	Fiscal Year 1998-99	Fiscal Year 1999-2000
Non-recurring or First-Year DOH Start-Up Effects:	\$ 59,387	\$0

Answering service system @ 24,000

4 Computers @ 4,177 = 16,708

Total OCO = 40,708

Professional Package 4 @ 2,855 = 11,420

Contract computer programming change @ 4,000

New camera ready certificate of death form @ 600

Reprinting of forms @ 2,659

Total Expense = 18,679

Non-recurring or First-Year CEEJ Start-Up Costs:	\$ 75,700	\$ 0
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6 Computer @ 5000 each = 35,000

(6 work stations; 4 laptops for field work)

Software @ 3,000

5 Printers @ 800 = 4000

1 Color printer @ 2500

1 Typewriter @ 1200

Total Equipment = 45,700

OCO @ 30,000

Recurring Effects:

DOH Annualized Continuation Effects:	\$174,995	\$ 687,750
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2 Biological Scientist III (PG22)

@ 42,340/yr for 9 months = 63,510

Additional 3% for yr 2 = 87,220

Human Services Program Specialist (PG 20)

@ 37,765/yr, for 9 months = 28,324; additional 3%
for yr 2 = 38,898

Administrative Secretary (PG 12) @ 24,784/yr,

for 9 months = 18,588; additional 3% yr 2 = 25,528

Total Salaries = 110,422; (yr 2 = 151,646)

3 Professional packages @ 18,373 = 41,339;

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yr 2 = 55,119
Support staff package @ 8,000/yr, for 9 mo. = 6,525
Additional 3% yr 2 = 8,700
Service Fee for toll free telephone line and
monthly bills = 5,175; yr 2 = 6,900
Contract increase of additional workload = 11,534;
Yr 2 = 15,385
Contract for registry of selected illnesses @ 450,000
(Starts in second year)
Total Expense = 64,573; (yr 2 = 536,104)

Recurring effects:

\$ 507,999

\$ 506,499

CEEJ Continuation effects:

1 Center Director @ 70,000
2 Assistant Professors/Research Scientists
@55,000 = 110,000
Administrative Assistant @ 35,000
2 Research Associates @ 40,000 = 80,000
Salaries Fringe @ 30% = 88,500
4 Graduate Students @ 12,000 = 48,000
Salaries Fringe @ 6% = 2,880
Total Salaries = 434,380
Travel @ 30,000
Supplies @ 10,000
Communications @ 5,000
Mailing @ 3,000
Indirect Costs = 25,619
(year 2 = 24,119)

2. Long Run Effects Other Than Normal Growth:

N/A

3. Total Revenues and Expenditures:

Total Revenues:

\$0

\$0

Total Expenditures:

\$818,081

\$1,194,249

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

The estimated cost of the registry\tracking system is unknown at this time.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

Fiscal data in this section has been provided by the Department of Health and Florida A&M University.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with counties and municipalities.

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V. COMMENTS:

The Department of Health stated that it is unable to fiscally support this legislation, due to the lack of any fiscal provision for necessary resources to carry out the bill's requirements.

"Section 3" of the proposed legislation requires the DOH as well as each county health department to establish a registry and tracking system for the purpose of monitoring adverse or negative health effects in regard to exposure to environmental hazards. Dr. Beitsch, Assistant State Health Officer with the DOH, stated that costs involved for this registry and tracking system would not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

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